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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO.       |
|---|-------------|----------------------|-------------------------------|------------------------|
| 10/782,668  | 02/19/2004  | Jos Manuel Accapadi  | AUS920031017US1               | 5255                   |
| 34533 7590 10/09/2007<br>INTERNATIONAL CORP (BLF)<br>c/o BIGGERS & OHANIAN, LLP<br>P.O. BOX 1469<br>AUSTIN, TX 78767-1469 |             |                      | EXAMINER<br>PHAN, TUANKHANH D |                        |
|   |             |                      | ART UNIT<br>2153              | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>10/09/2007       | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/782,668

Applicant(s)

ACCAPADI ET AL.

Examiner

TuanKhanh Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/19/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCanne (US Pat. 6,785,704) in view of **Frerreia et al. (US Pat. 6,857,009)**.

Regarding claims 1, 7 and 13, McCanne discloses a method of DNS routing (abstract), the method comprising:

**mapping** for a user in a data communications application a domain name of a network host (col. 10, lines 15-20 **hosting facility**) to a network address for a DNS server (col.17, lines 8-18), wherein the DNS server has a network address for the domain name (at least col. 17, lines 17-40; col. 31, lines 45-60), and wherein mapping a domain name to a network address for a DNS server further comprises receiving from a user a domain name for a network host having a domain name registered on a DNS server and receiving from the user a network address for the DNS server (col. 17, lines 17-40; col. 19, lines 14-17; col. 31, 55, 60);

**receiving** from the user a request for access to a resource accessible through the network host (abstract; col. 17, lines 55-60); and

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**routing** to the DNS server a DNS request for the network address of the network host (col. 10, lines 15-20), the DNS request including the domain name of the network host (abstract; col. 17, lines 63-67; col. 31, lines 58-59 **teaches the routing/redirecting is carried out by DNS server that responds to request received**).

While McCanne teaches client triggering a specific connection to specific server (col. 20, lines 30-37), McCanne does not explicitly say a user defined preferred DNS routing server. However, in the same field endeavor of DNS server routing, **Ferreria et al.** teach user define preferred DNS server (col. 3, lines 30-32 & 52-54 **teaches user specified DNS server**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the user specified DNS server taught by Ferreria et al. into the mapping, routing and receiving taught by McCanne to connect and redirect service with user specific server selection for server distribution balanced.

Regarding claims 2, 8 and 14, see the discussion of claims 1 and 7 above, Ferreria et al. further teach storing (col. 14, lines 46-52), through the data communication application (col. 14, lines 46-52), the domain name in association with the network address for a preferred DNS server in a data structure in computer memory (col. 3, lines 30-32 & 52-54; col. 6, lines 55-61 **teaches computer memory device associated with user specified DNS server**).

Regarding claims 3, 9 and 15, see the discussion the method of claims 1, 7 and 13. McCanne further teaches wherein routing a DNS request for the network address of

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the network host is carried out by the data communications application (col. 6, lines 51-57).

Regarding claims 4 and 10, McCanne further teaches wherein routing a DNS request for the network address of the network host is carried out by an operating system (col. 24, lines 31-38 a server is an operating system).

Regarding claims 5 and 11, McCanne further teaches wherein routing a DNS request for the network address of the network host is carried out by a pre-designated DNS server (col. 19 lines 5-27).

Regarding claims 6, 12 and 16, see the discussion of claims 1, 7 and 13 above, McCanne further teaches receiving from the DNS server a DNS response identifying the network address of the network host (abstract; col. 17, lines 63-67; col. 31, lines 58-59); and accessing the resource through the network address of the network host (abstract; col. 17, lines 63-67; col. 31, lines 58-59).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dykes et al. An Empirical Evaluation of Client-side Server Selection Algorithms. IEEE Infocom, Vol. 3, March, 2000. pp 1361-1370

**Overton et al. US Pat. 7,233,978. Overton et al. disclose a DNS server routing wherein user can select a prefer server from a list of available server.**

Jorgenson S.D. US Pat. 6,813,635. Jorgenson discloses a system and method for distributing load among redundant independent stateful world wide web server sites.

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### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuanKhanh Phan whose telephone number is 571-270-3047. The examiner can normally be reached on Mon to Fri, 8:00am to 4:30pm EST, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TKP

  
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